

CERTIFICATE OF MAIL (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on July 2, 2001.

Signed: 

Tina Hall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Hajto et al.

Serial No. 09/744,709

Filed: January 29, 2001

For: DISPLAYS

Art Unit: To Be Assigned

Examiner: To Be Assigned

Attorney Docket No. 808P22231B/JAS

PETITION UNDER 37 C.F.R. 1.47(B)

Applicant requests acceptance and final grant of a filing date for the subject application without the signature of inventor Andrew Graham.

The grant of the filing date is necessary, as appears on the record, because this is the U.S. National phase filing of an application in which Chapter II was elected, and the 30-month limit expired on January 29, 2001; this is the filing date of the subject application. If the petition is not granted, all rights will be lost.

The attached Declarations and Affidavits, made by those with first-hand knowledge of all facts, clearly establish that Mr. Graham was asked to sign off on this application and he has refused.

The Commissioner is authorized to charge any petition fee necessary to deposit account no. 20-0782 (Order No. 808P22231B/JAS).

Respectfully submitted,


James A. Sheridan, Reg. No. 25, 435

Thomason, Moser & Patterson LLP
4149 El Camino Way, Suite B
Palo Alto, CA 94306
Ph.: 650-320-0000
Fax: 650-320-0099

CERTIFICATE OF MAIL (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on July 2, 2001.

Signed: 

Tina Hall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Hajto et al.

Serial No. 09/744,709

Filed: January 29, 2001

For: DISPLAYS

Art Unit: To Be Assigned

Examiner: To Be Assigned

Attorney Docket No. 808P22231B/JAS

DECLARATION OF JAMES A. SHERIDAN
AS TO FACTS THAT SUPPORT FILING OF AN APPLICATION
WITHOUT SIGNATURE OF CO-INVENTOR

This Declaration is made as to the facts relied on to establish diligent effort to secure the signature of Andrew Graham on the Oath/Declaration for the above-referenced patent application. I, James A. Sheridan, a partner of the firm of Thomason, Moser & Patterson, LLP having a business address of 4149 El Camino Way, Suite B, Palo Alto, California 94306 hereby declare that:

1. I am registered to practice before the U.S. Patent and Trademark Office (Reg. No. 25,435) and I am assisting in the filing and prosecution of the above-named patent application.

2. Attached hereto as Exhibit A is the Affidavit by Brendan Thomas McGuckin which states that Mr. McGuckin wrote to Andrew Graham prior to May 25, 2001 asking him to sign and return the declaration and assignment documents for the subject patent application. Mr. Graham failed to return the documents. Mr. McGuckin also states that in a telephone conversation he had with Mr. Graham on June 28, 2001, Mr. Graham refuses to sign and return the declaration due to a dispute with one of the other inventors.

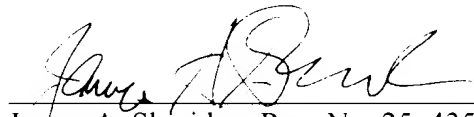
3. Attached hereto as Exhibit B is the Affidavit by John Neilson Kerr which states the Mr. Kerr wrote to Mr. Graham's agents, Guild & Guild WS, on June 25, 2001 seeking the signature of Mr. Graham on the declaration and assignment documents for the subject application. However, Guild & Guild confirmed in writing on June 28, 2001 that their client, Mr. Graham, refuses to sign the documents.

4. Attached hereto as Exhibit C is the letter of June 28, 2001 from Guild & Guild which states that Mr. Graham has had the consequences of not signing the declaration form explained to him, but still refuses to sign the declaration until his dealings with Professor Hajto and Colin Hindle of Napier University have been resolved.

5. I have justifiably concluded that although reasonable and substantial attempts have been made to obtain Andrew Graham's signature on the declaration and assignment documents for the subject application, Mr. Graham continues to refuse to sign the documents.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that all statements made by me herein are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any willful false statements may jeopardize the validity of any patent resulting therefrom.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James A. Sheridan", is written over a horizontal line.

James A. Sheridan, Reg. No. 25, 435

Thomason, Moser & Patterson LLP
4149 El Camino Way, Suite B
Palo Alto, CA 94306
Ph.: 650-320-0000
Fax: 650-320-0099

**Affidavit by
Brendan Thomas McGuckin
taken by Stuart Skelly
at 48 Castle Street, Edinburgh
on 29th June 2001**

At 48 Castle Street, Edinburgh on 29th June 2001 before me, Stuart Skelly, Notary Public of 48 Castle Street, Edinburgh **COMPEARED**: Brendan Thomas McGuckin of Enterprise and Commercialisation, Napier University, 10 Colinton Road, Edinburgh, who being solemnly sworn DEPONES as follows:-

1. My full name is Brendan Thomas McGuckin. My address is Enterprise and Commercialisation, Napier University, 10 Colinton Road, Edinburgh. My date of birth is 9th May 1959. I am employed as a commercialisation manager.
2. I wrote to Andrew Graham prior to 25th May 2001 with regard to US Patent Application Number 09/744709. In my letter to Mr Graham I asked him to sign and return the enclosed declaration and assignment documents, which he failed to do.
3. I wrote to Mr Graham again on 25th May 2001 seeking an update on the status, to which he did not reply.
4. I spoke with Mr Graham on the telephone yesterday, 28th June 2001, and asked him to sign the declaration. He refused to do so, due to a dispute he has with one of the other inventors.
5. I believe that reasonable and substantial attempts have been made to obtain Mr Graham's signature on the declaration.

ALL OF WHICH IS TRUTH AS THE DEPONENT SHALL ANSWER TO GOD.

Brendan McGuckin
Dependent

Stuart Skelly
Notary Public

EXHIBIT A

**Affidavit by
John Neilson Kerr
taken by Stuart Skelly
at 48 Castle Street, Edinburgh
on 29th June 2001**

At 48 Castle Street, Edinburgh on 29th June 2001 before me, Stuart Skelly, Notary Public of 48 Castle Street, Edinburgh **COMPEARED**: John Neilson Kerr of Anderson Strathern WS, 48 Castle Street, Edinburgh, who being solemnly sworn DEPONES as follows:-

1. My full name is John Neilson Kerr. My address is Anderson Strathern WS, 48 Castle Street, Edinburgh EH2 3LX. My date of birth is 23rd September 1956. I am a partner of the legal firm of Anderson Strathern WS.
2. I wrote to Andrew Graham's agents, Guild & Guild WS on 25th June 2001 seeking the signature of Mr Graham on the declaration and assignment in relation to US Patent Application Number 09/744709. After discussion, Guild & Guild confirmed in writing on 28th June 2001 that their client refuses to sign the documents.
3. I believe that reasonable and substantial attempts have been made to obtain Mr Graham's signature on the declaration.

ALL OF WHICH IS TRUTH AS THE DEPONENT SHALL ANSWER TO GOD.

John N. Kerr
Deponent

Stuart Skelly N.P.
Notary Public

EXHIBIT B

02/07/2001 14:57 0131 24-7024

ANDERSON STRATHERN

PAGE 02/02



OUR REF NB/PD

YOUR REF

28 June 2001

DATE

SOLICITORS ESTATE AGENTS NOTARIES PUBLIC
INDEPENDENT FINANCIAL ADVISERS

FOA JOHN KERR

Anderson Strathern

DX ED 53

Edinburgh

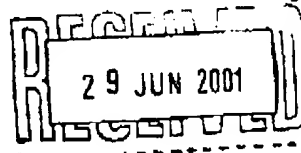
51 CASTLE STREET EDINBURGH EH2 3LJ

TEL: 0131 225 9155 0131 624 7474

FAX: 0131 225 9040

GUILDGUILD@aol.com

DX ED 202



Dear Sirs

ANDREW GRAHAM
NAPIER UNIVERSITY

Mrs refer to Mrs Baird's telephone conversations with Mr Kerr.

Mrs Baird spoke to Mr Graham this morning and regret that Mr Graham is absolutely adamant that he will not sign the Declaration Form in respect of the patent until the matter of his dealings with Professor Hajto and Colin Hindle has been resolved. He said he was promised shares in Freelight Limited and he cannot understand why both at the outset when Freelight was set up and when there was a redistribution of shares the other two inventors were given shares but he was not. We have explained the consequences of not signing the form but his view is that it is up to Professor Hajto or the University or NUVL to sort this out to his satisfaction.

We regret that this is his position.

As you are aware our Mrs Baird will be leaving tonight to go on holiday but the matter can be taken up with our Miss Cochrane if necessary.

Yours faithfully

PARTNERS:-
ELISABETH A WATT, W.S.N.P.
NORMA A P BAIRD, LL.B.N.P.ASSOCIATES:-
PAUL S JARDINE LL.B.AUTHORISED TO CONDUCT
INVESTMENT BUSINESS UNDER
THE FINANCIAL SERVICES ACT 1986
BY THE LAW SOCIETY OF SCOTLAND

EXHIBIT C